

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Jonathan Leite,

Plaintiff

v.

Corrections Officers Matthew Goulet,  
Elmer Van Hoesen, Michael Beaton, Lynn McLain,  
Heather Marquis, Trevor Dube, Rhianne Snyder,  
Eddy L'Heureux, Jeffrey Smith, Dwane Sweatt,  
Yair Balderrama, Bob Morin, Ejike Esobe, and  
Kathy Bergeron

Defendants

Case No. 1:15-cv-00280-PB

\*\*\*\*\*

**PLAINTIFF'S SECOND SET OF INTERROGATORIES TO BE ANSWERED BY THE  
DEFENDANT JEFFREY SMITH WITHIN THIRTY (30) DAYS**

NOW COMES the plaintiff Jonathan Leite, by and through his attorneys, Douglas, Leonard & Garvey, P.C. and pursuant to Federal Rules of Civil Procedure 26 and 33 respectfully propounds the following Interrogatories upon the defendant Jeffrey Smith, to be answered under oath:

**I. DEFINITIONS**

A. "Document" for purposes of these requests shall comprise, without limitation, all writings, e-mails, drawings, graphs, charts, photographs, phono-records, notes, memoranda, correspondence, accounts and other compilations or alternately associated strings of data from which information can be obtained or translated, if necessary, by the defendant through detection devices into reasonably useful form.

B. "Identify", when used with reference to a document, shall mean to: (1) state the date; (2) identify the author (and, if different, the originator and/or signer); (3) identify the addressee (and, if different, the recipients); (4) state the type of document (e.g., letter, memorandum, etc.); (5) state the present (or last known) location of the original and all copies of the document and identity of all custodians of same; and (6) state all other means of identifying the document with particularity. In lieu of the foregoing, business records may be attached to these answers.

C. "Identify", when used with reference to an oral communication, shall mean to: (1) identify the person making the communication and the person to whom each communication was made and all other persons present at the time of each communication; (2) state the date of each communication; (3) state the place where each communication occurred; (4) if electronically transmitted, identify the persons participating in the communication and state the places where the persons participating in the communication were located; and (5) describe in detail the substance of each communication.

D. "Identify", when used with reference to an individual, shall mean to state: (1) his full name; (2) his job title and business affiliation; (3) the identity of any person and/or business entity for whom he was acting or representing; (4) his present (or last known) business address; and (5) his present (or last known) residence address.

E. "Identify", when used with reference to a business or legal entity rather than a natural person, shall mean to state: (1) the entity's full name; (2) present business purpose; and (3) present (or last known) business address.

F. "Oral Communication", whether made in person or by electronic transmission, shall mean a conversation, statement, conference or other oral message.

G. "Written Communication" shall mean a letter, note, memorandum, telegram, mailgram, telex or other document.

H. "Person" shall mean an individual, corporation, partnership, association, firm, trust or other entity.

I. "You" shall mean Jeffrey Smith.

J. "NNHCF" shall mean Northern New Hampshire Correctional Facility.

## II. INSTRUCTIONS

A. All singular terms shall include the plural and all plural terms shall include the singular.

B. All masculine terms shall include the feminine and all feminine terms shall include the masculine.

C. Unless otherwise specified, all answers to these requests shall relate to the period from 1995, up through the date of the preparation of your answers hereto.

D. If an exact date and time cannot be furnished in response to a request, set forth your best estimate of the date and time.

E. If any request is objected to as inquiring into privileged matters, set forth fully in the objection the facts upon which you based your objection.

F. If any document is withheld or not identified under claim of privilege, furnish a list of all such documents for which a privilege is claimed, together with the following information with respect to each document: (1) date; (2) author; (3) sender; (4) receiver; (5) persons to whom copies were furnished; together with their job titles; (6) the subject matter of the document; and (7) the basis on which the asserted privilege is claimed.

G. Answers to each request shall be based upon such knowledge as is known to you, your attorney and/or any other representative or which is within your custody, possession or control, including but not limited to information contained in documents, in your custody, possession or control. When an answer or portions thereof are supplied upon information and belief rather than actual knowledge, the answer should so state and specifically describe or identify the source or sources of such information and belief.

H. Note: These requests are continuing and require supplemental answers upon receipt of additional information.

I. The acts or conduct of any corporation, trust, partnership or other business association referenced herein further comprises the conduct or acts of its present or former: (i) directors, (ii) officers, (iii) employees, (iv) representatives, (v) agents, (vi) attorneys, (vii) affiliated or related companies acting with respect to or in conjunction with the transaction at issue.

#### INTERROGATORIES

1. How high off the floor is the day room bunk to which Jonathan Leite was assigned on August 24, 2012?

ANSWER:

58"

2. What were the dimensions of the lower tier of F block of the NNHCF on August 24, 2012?

ANSWER:

80'11" X 29'11"

3. Please identify each occupant of Cell 9 of F block of the NNHCF for all periods from June 1, 2012 through August 24, 2012, stating for each occupant the dates during which he occupied the cell.

ANSWER:

There were only two occupants in F-Block Cell 9 from June 1, 2012 to August 24, 2012:

F-Block, Cell 9B- Gelinas, Johnathan, #80728

F-Block, Cell 9T- Elliott, Ryan , #14695

4. Please identify each bunk to which Jonathan Leite was assigned for all periods from June 1, 2012 through August 24, 2012, stating the dates during which Mr. Leite occupied each bunk that you identified in your answer.

ANSWER:

According to the bed history report:

June 1, 2012 – NCF B-Block, Dayroom Bunk 1T  
June 5, 2012 – NCF B-Block, Cell 1T  
June 19, 2012 – NHSP/M, R&D, 3 West, 10B  
June 20, 2012 – NHSP/M, R&D, 3 West, 9B  
June 21, 2012 – NCF B-Block, Cell 1T  
July 16, 2012 – NCF B-Block, Dayroom Bunk 1T

5. With respect to the door to Cell 9 of F block of the NNHCF, please state the dimensions of the door and the dimensions of the window contained within the door as of August 24, 2012.

ANSWER:

The door is 30" x 83".

The window contained within the door is 5" x 20".



RESPECTFULLY SUBMITTED:

JONATHAN LEITE

By his attorneys:

DOUGLAS, LEONARD & GARVEY, P.C.

Dated: September 1, 2017

By: /s/Benjamin T. King

Benjamin T. King, N.H. Bar. No. 12888

14 South Street, Unit 5

Concord, NH 03301

603-224-1988

benjamin@nhlawoffice.com

**CERTIFICATE OF SERVICE**

I hereby certify that the within discovery requests were e-mailed this date to Lynmarie C. Cusack, Esq. and Francis C. Fredericks, Jr., Esq. opposing counsel, pursuant to counsel's agreement to substitute electronic service for paper service.

/s/Benjamin T. King

Benjamin T. King

**OATH**

Sworn to and subscribed under penalty of perjury:

Dated: 9-26-17

Jeffrey Smith  
Jeffrey Smith

STATE OF NH  
COUNTY OF Coos

Personally appeared before me the above-named Jeffrey Smith and made oath that the foregoing responses to interrogatories propounded by the plaintiff are true and correct to the best of his/her knowledge and belief.

DATED: 9/26/17

Cynthia M. Keach  
Justice of the Peace/Notary Public

